

REMARKS

Claims 1, 4–16, and 29–31 are pending in this application. Claims 1, 6, 7, 9, 11–13, 29, and 30 are currently amended. Claims 4, 5, 8, 10, and 14–16 were previously presented. Claim 31 is new. Claims 2 and 3 are cancelled and claims 17–28 are withdrawn.

Claims 1, 4, 6–16, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ables in view of Struengmann.

The Applicant respectfully disagrees with the Examiner and submits that the combination of Ables and Struengmann does not provide all of the features of the present invention as claimed.

The combination of cited references does not disclose a dried extract from an *aqueous* extract of red vine leaves. First, Ables does not teach an aqueous extract of red vine leaves. Instead, Ables teaches a complicated extraction process using alcohol (see Ables, col. 2, lines 4–7). In a second extraction step, an acid is added that is considered absolutely necessary (see Ables, col. 2, lines 16–21). Further steps are also listed, including distillation in the presence of a reducing substance and so on. From this it is clear that the extract according to Ables cannot be considered aqueous. Second, Struengmann is cited solely for disclosure of conventional tablet additives. Struengmann does not disclose or even suggest extraction, let alone an aqueous extraction of red vine leaf.

The combination of cited references does not disclose or even suggest a dried extract consisting of colloidal, anhydrous silica. As indicated by the Examiner, Ables does not teach silica and Struengmann discloses silica as a conventional tablet additive. However, the present invention as claimed, recites colloidal, anhydrous silica as a component of the dried extract *per se* rather than merely generally within the tablet, which dried extract (including the silica) is combined with at least one excipient.

In light of the foregoing, the Applicant respectfully requests that the §103(a) rejection of claims 1–4 and 6–16 as being obviated by Ables in light of Struegmann be reconsidered and withdrawn.

Respectfully submitted,

/THOMAS BLANKINSHIP/

Thomas Blankinship
Reg. No. 39,909